

**Staff Recommendations for structuring EIS alternatives**  
**Council Staff**  
**May 2003**

The rigorous standards to which the Council must prepare NEPA analyses of proposed management actions affects the Council process for developing alternatives and the accompanying environmental impact statements (EIS) or environmental assessments (EA). Under NEPA, the 22-page range of options is too broad to focus the required comparison of environmental impacts. The Council has been advised to structure discrete Gulf of Alaska groundfish rationalization EIS alternatives, which then can be adequately compared and contrasted. The inclusion of broadly defined alternatives and a wide range of options under numerous elements precludes the analysts from adequately assessing those impacts. While the Council only numbered three alternatives to the no action alternative, the current suite of alternatives includes at least 12 unique alternatives as identified in Item C-1(e), when factoring in subalternatives and multiple types of cooperatives. There are 30 options under one element (Qualifying periods). Narrowing the range of options will enhance the ability of the analysts to compare and contrast the environmental impacts of the proposed alternatives by sharply defining their differences and providing a clear basis for choice among the alternatives by the Council and the public.

Refining (i.e., narrowing) the alternatives means that the Council needs to make some early decisions on the wide range of alternatives and options included in its current 22-page suite of alternatives, elements, and options *prior to analysis of the EIS alternatives*. In a separate discussion prepared for this meeting, staff advised that 4 or 5 reasonable, contrasting alternatives to the no action alternative might reflect the diversity of programs currently considered by the Council and allow for adequate analysis in the timeframe discussed below. This principle also could be applied to the selection of options for analysis. A range of options is acceptable in an EIS alternative, *providing that they can be individually analyzed*. Therefore, staff recommends limiting the analysis to a *reasonable* number of alternatives and options to allow a comprehensible reading of the environmental impacts is *necessary* to select a final preferred alternative in *June 2004*, and therefore the timeline for preparation of the draft and final SEIS.

A draft timeline necessary to meet the timeline announced by the Council for its selection of a final preferred alternative in April 2004 is presented in Attachment 2. Counting backwards from April 2004, illustrates the limitations on analytical time allotted for some critical steps. There are some mandatory time allocations associated with required NEPA reviews and publication of an EIS document that are not flexible, leading to time taken away from analytical efforts. These potential difficulties are mostly associated with the revisions to the analysis that we anticipate from the Council as a result of its planned review of the preliminary SEIS in October 2003, the initial review draft SEIS in December 2003, final review of the SEIS in April 2004, and associated public comments. Staff prepared a more reasonable timeline for preparation of this EIS (Attachment 3). Staff recommends an additional consultation with the Council in October 2003, when staff will present data analyses of selected elements of the proposed alternatives that would allow the Council to make an informed decision to narrow the options, which staff has stressed is critical to preparing an adequate NEPA analysis. The revised timeline would be Council review of the preliminary SEIS in December 2003, the initial review draft SEIS in February 2003, final review of the SEIS in June 2004. Council action could not be scheduled for April 2004 as that meeting falls within the public comment period on the Draft EIS. It is important to emphasize that even this revised timeline is dependent on the Council narrowing the range of alternatives and options early.

The Council should be aware that the identification of EIS alternatives, whether noted as preferred or not,

limits the Council in its selection of a final preferred alternative to those identified. For instance, the Council has already narrowed its list of alternatives for analysis by identifying that amendments to the License Limitation Program will not adequately address the problem statement. Therefore, that alternative is now a rejected alternative and will only be briefly addressed in the EIS.

Finally, a number of occurrences could delay selection of a final preferred alternative in June 2004. The recommended timeline assumes that: (1) the Council sufficiently narrows the alternatives and options to allow for the preparation of an adequate EIS; (2) the Council does not add alternatives and options to the analysis; (3) the SSC recommends the analyses be released for public review without significant additional analysis that might delay that release; (4) the Board has taken the action necessary for the Council to select a preferred alternative on schedule; and (5) resolution on the four trailing amendments is not needed prior to selection of a preferred alternative. Any additional analysis of new alternatives or options, trailing amendments, Board actions, or to meet SSC requirements would necessitate extension of the staff proposed timeline.

## Attachment 1. CEQ Regulations

(PART 1502– Environmental Impact Statement) advise the following regarding EIS alternatives:

### Sec. 1502.14 Alternatives including the proposed action.

This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (Sec. 1502.15) and the Environmental Consequences (Sec. 1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall:

- (a) Rigorously explore and objectively evaluate *all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.*
- (b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.
- (c) Include reasonable alternatives not within the jurisdiction of the lead agency.
- (d) Include the alternative of no action.
- (e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
- (f) Include appropriate mitigation measures not already included in the proposed action or alternatives.

### Sec. 1505.1 Agency decisionmaking procedures.

Agencies shall adopt procedures (Sec. 1507.3) to ensure that decisions are made in accordance with the policies and purposes of the (National Environmental Policy) Act. Such procedures shall include but not be limited to . . . :

- (e) Requiring that the alternatives considered by the decisionmaker are encompassed by the range of alternatives discussed in the relevant environmental documents and that the decisionmaker consider the alternatives described in the environmental impact statement. If another decision document accompanies the relevant environmental documents to the decisionmaker, agencies are encouraged to make available to the public before the decision is made any part of that document that relates to the comparison of alternatives.

The phrase “range of alternatives” refers to the alternatives discussed in environmental documents. It includes *all reasonable alternatives*, which must be rigorously explored and objectively evaluated, as well as those *other alternatives, which are eliminated from detailed study* with a brief discussion of the reasons for eliminating them. Under Section 1502.14, a decisionmaker must not consider alternatives beyond the range of alternatives discussed in the relevant environmental documents. Moreover, a decisionmaker must, in fact, consider all the alternatives discussed in an EIS. Section 1505.1(e).

For some proposals, there may exist a very large or even an infinite number of possible reasonable alternatives. For example, a proposal to designate wilderness areas within a National Forest could be said to involve an infinite number of alternatives from 0 to 100 percent of the forest. When there are potentially a very large number of alternatives, only a *reasonable number* of examples, covering the full spectrum of alternatives, must be analyzed and compared in the EIS. An appropriate series of alternatives might include dedicating 0, 10, 30, 50, 70, 90, or 100 percent of the Forest to wilderness. *What constitutes a reasonable range of alternatives depends on the nature of the proposal and the facts in each case.*

Attachment 2.	PROPOSED COUNCIL TIMELINE for SEIS PREPARATION	EIS Require- ment	Time between dates	Potential for Slippage
<b>Date</b>	<b>Action</b>			
<b>June 11, 2003</b>	Council modifies suite of alternatives, elements, and options; selects EIS alternatives for analysis			
July 1, 2003	Request for proposals for economic/social/cumulative impact analyses			
August 1, 2003	Contract for economic/social/cumulative impact analyses is awarded		4 weeks	
September 12, 2003	Contractor submits preliminary analysis to Council Executive Director		6 weeks	
September 19, 2003	Government contractor prints document		1 week	
<b>October 8, 2003</b>	Council reviews preliminary analysis; may modify alternatives, elements and options*			may require additional analysis
November 14, 2003	Contractor submits analysis to Council Executive Director		4 weeks	
November 21, 2003	Government contractor prints document		1 week	
<b>December 10-12, 2003</b>	Council reviews Draft SEIS/RIR/IRFA and approves for public review; may modify alternatives, elements and options*			may require additional analysis
January 6, 2004	Contractor completes public review Draft SEIS/RIR/IRFA		3 weeks	may require additional time
January 7-11, 2004	Government contractor prints analysis		1 week	
January 12-16, 2004	NMFS HQ reviews and files Draft SEIS/RIR/IRFA with EPA	√	4 days	may require additional time
January 23, 2004	Notice of Availability of Draft SEIS/RIR/IRFA is published in the <i>Federal Register</i> and 45-day public comment period begins*	√	2 weeks	may prefer >45 day period
<b>February 4, 2004</b>	no scheduled action during public comment period; <u>does not</u> modify alternatives, elements, and options			
March 8, 2004	public comment period ends	√	45 days	
March 24, 2004	NMFS staff releases summary of public comments*		2 ½ weeks	may require more than 2+ weeks to prepare summary may require additional analysis
<b>April 2, 2004</b>	Council reviews public comment summary and finalizes preferred alternative*; may schedule timeline for trailing amendments			
Unknown	Congress authorizes Council action, if necessary			
Unknown	NMFS releases Final SEIS/RIR/IRFA* and 30-day public comment period begins			
Unknown	NMFS publishes Record of Decision	√		may require additional time

**bold indicates Council actions**

**\*indicates where the timeline may slip**

Attachment 3.	STAFF RECOMMENDATIONS FOR SEIS PREPARATION	
Date	Action	Time for document prep between drafts
<b>June 11, 2003</b>	Council modifies suite of alternatives, elements, and options; selects EIS alternatives for analysis	
July 1, 2003	Request for proposals for economic/social/cumulative impact analyses	
August 1, 2003	Contract for economic/social/cumulative impact analyses is awarded	
September 19, 2003	Council distributes discussion paper (preliminary analysis) on: (1) options and (2) salmon bycatch	7 weeks
<b>October 8-10, 2003</b>	<b>Council reviews discussion papers and modifies alternatives, elements and options</b>	
November 21, 2003	Council distributes preliminary Draft SEIS/RIR/IRFA	9 weeks
<b>December 10-12, 2003</b>	<b>Council reviews preliminary Draft SEIS/RIR/IRFA;</b> will likely modify alternatives, elements and options	
January 9, 2004	Contractor submits initial review Draft SEIS/RIR/IRFA to Council Executive Director	4 weeks
January 16, 2004	Government contractor prints document	1 week
<b>February 4-6, 2004</b>	<b>Council initial review of Draft SEIS/RIR/IRFA and release for public review;</b> will likely modify alternatives, elements and options	
March 9, 2004	Contractor completes public review Draft SEIS/RIR/IRFA	4 weeks
March 10-14, 2004	Government contractor prints analysis	1 week
March 15-19, 2004	NMFS HQ reviews and files Draft SEIS/RIR/IRFA with EPA	1 week
March 26, 2004	Notice of Availability of Draft SEIS/RIR/IRFA is published in the <i>Federal Register</i> and 45-day public comment period begins	
<b>April 2, 2004</b>	no scheduled action during public comment period; <u>does not</u> modify alternatives, elements, and options	
May 10, 2004	public comment period ends	45 days
May 26, 2004	NMFS staff releases summary of public comments	2 weeks
<b>June 9-11, 2004</b>	<b>Council reviews public comment summary and finalizes preferred alternative;</b> <b>will likely schedule timeline for trailing amendments</b>	
Unknown	Congress authorizes Council action, if necessary	
Unknown	NMFS releases Final SEIS/RIR/IRFA and 30-day public comment period begins	
Unknown	NMFS publishes Record of Decision	

**bold indicates Council actions**